



STATE OF DELAWARE
DEPARTMENT OF AGRICULTURE
HARNESS RACING COMMISSION
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Minutes of the
Delaware Harness Racing Commission Meeting
PUBLIC SESSION

June 11, 2019 at 10:00 AM
Delaware Department of Agriculture - Conference Room

Commission Members Present

Beth Steele	Chairman
Patt Wagner	Vice Chairman
George Staats	Commissioner

Others Present

DHRC Executive Director Mark Davis, Andrew Kerber DAG, DSBF Executive Administrator Judy Davis-Wilson, Harrington Raceway Asst. GM Matt Sparacino and DSOA Executive Director Sal DiMario.

Commissioner Berberian and Commissioner Liguori were unable to attend.

DHRC personnel: Brian Manges, Lauren Torres

Minutes: Donna Krol

Call To Order:

At 10:00 a.m. Chairman Steele called the public session of the meeting to order. Immediately following the "Call to Order," the DHRC Commission dismissed to Executive Session. The Commission returned to Public Session after the Executive Session was complete.

Executive Session:

See Executive Session minutes.

Return to Public Session:

At 10:30 a.m. Chairman Steele called the public session of the meeting to order and welcomed all in attendance.

APPROVAL OF MINUTES:

Public minutes from the May 30, 2019 Radiometer Forum were reviewed. Chairman Steele made a motion to approve the minutes as submitted. Motion was carried by Vice Chairman Wagner and seconded by Commissioner Staats. Motion passed with unanimous voice vote.

OLD BUSINESS:

NONE

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NEW BUSINESS:

Proposed Rule Change 10.2.9.2:

10.2.9.2 An appeal under this section must be filed with the Presiding Judge not later than 48 hours after the publishing receipt of the ruling. The appeal must be accompanied by a deposit in the amount of \$400, or an amount as determined by the Commission from time to time, plus an amount to be determined from time to time by the Commission for the cost of the court reporter's fee's and attendance plus the costs for providing notice of the appeal. In no event shall the deposit for the appeal be refunded.

The proposed rule draft was reviewed. Discussion was heard on number of hours or number of days. Business days or race days. **Mark Davis proposed that we change the rule to 4 business days. Everyone agreed. Chairman Steele made a motion to approve the rule as proposed with the change to 4 business days. Motion was carried by Commissioner Staats and seconded by Vice Chairman Wagner. Motion passed with unanimous voice vote. Andrew Kerber will work on getting this proposed rule to the Registrar of Regulations this afternoon.**

Proposed USTA Rule Changes (1-7):

1. \$4.60 Extended Break. - **An extended break shall be defined as a horse that is not on its proper gait for 25 consecutive strides or more after the start of the race .**

ADOPTED by DHRC, motion made by Mark Davis seconded by Jim Boese. Motion passed with unanimous voice vote.

2. §Rule 16.03 Speed of Gate. - **The starter shall cause the gate to move toward the starting point, gradually increasing the speed of the gate to maximum speed. When the speed has been reached in the course of a start, there shall be no decrease except in the case of a recall.** ~~Allowing sufficient time so that the speed of the gate can be increased gradually the following minimum speeds will be maintained.~~

(a) ~~For the first 1/8 mile, not less than 11 miles per hour.~~

(b) ~~For the next 1/16 of a mile not less than 18 miles per hour.~~

(c) ~~From that point to the starting point, the speed will be gradually increased to the maximum speed.~~

(d) ~~When the speed has been reached in the course of a start there shall be no decrease except in the case of a recall.~~

ADOPTED by DHRC, motion made by Mark Davis seconded by Sal DiMario. Motion passed with unanimous voice vote.

3. §16.04 Charging the Gate. - **Subject to the age, experience and post position of the horse and the condition of the racetrack, during extended pari-mutuel meetings, each horse in the first tier shall approach the starting gate reasonably in concert with the other horses in the field and shall be on the gate at the start. If the judges deem that a driver has intentionally laid off the gate and then charged it near the start in order to gain an advantage at the start, the driver shall be fined or suspended or both. See DHRC Rule 7.6.6.6**

ADOPTED by DHRC, motion made by Sal DiMario seconded by George Staats. Motion passed with unanimous voice vote.

4. §Rule 16.08 Violations of the Starting Rule. - A fine or suspension from driving may be applied to any driver by the starter **and/or judges** for:

(a) Delaying the start.

(b) Failing to obey the starter's instruction.

(c) Rushing ahead of the inside or outside wing of the gate.

(d) Coming to the starting gate out of position.

(e) Crossing over before reaching the starting point.

(f) Interfering with another driver during the start.

(g) Failing to come up into position.

(h) After coming to the gate, failing to keep one line in each hand until the word "go," except for the purpose of adjusting equipment.

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Proposed USTA Rule Changes (1-7): Continued

A hearing must be granted or waived before any penalty is imposed. **A fine or suspension as a result of any of the above may be increased based upon the advertised purse amount, or if the violation is deemed to have been committed in order to aid another horse with common ownership or a common trainer.**

ADOPTED by DHRC, motion made by Sal DiMario seconded by Matt Sparacino. Motion passed with unanimous voice vote.

5. §Rule 16.11 Starting Two Tiers of Horses. - **At extended pari-mutuel meetings**, in the event there are two tiers of horses the withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned positions in the second tier.

Whenever a horse is withdrawn from either any tier, horses on the outside move in to fill up the vacancy. When a horse has drawn a post position in the second tier the driver of such horse may elect to score out behind any horse in the first tier so long as he does not thereby interfere with another trailing horse or deprive another trailing horse of a drawn position. **In a race with a single trailer, the driver may select any position in the second tier. In a race with multiple trailers, the driver of the first horse in the second tier may elect to score out behind the first or second horse in the first tier. The horse drawing the second post in the second tier shall score behind the third or fourth horse in the first tier. The horse drawing the third post in the second tier shall score behind the fifth or sixth horse. Any horse drawing a post position outside those already referenced shall be placed in a consistent manner behind the appropriate horses from the first tier. If there are more trailers than designated post positions in the second tier as described above, the judges shall determine proper starting positions for the second tier horses.**

Applies DOVER DOWNS ONLY

ADOPTED by DHRC, motion made by John Hensley, seconded by Sal DiMario. Motion passed with unanimous voice vote.

6. §Rule 18.01 Driving Violations.— Although a leading horse is entitled to any part of the racetrack **At extended pari-mutuel tracks, a leading horse is not to be more than four feet from the inside rail/pylons** except after selecting his position in the home stretch. Neither the driver of the first horse nor any other driver in the race shall do any of the following things, any of which shall be considered a violation of the driving rules:

DHRC Judges: No Placing, Fine only. Must be explained at DOVER 2019-2020 Meet , 1st time Warning

ADOPTED by DHRC, motion made by Mark Davis, seconded by George Staats. Motion passed with unanimous voice vote.

(a) Change either to the right or left during any part of the race when another horse is so near him that in altering his position he compels the horse behind him to shorten his stride, or causes the driver of such other horse to pull him out of his stride.

(b) Strike, hook wheels or **physically** interfere with another horse or driver, **or otherwise drive in a careless manner or fail to maintain reasonable control of the horse at all times during the race. For any violation that results in contact with another horse, driver or bike, the driver ~~may shall~~ receive a ~~minimum~~ driving suspension and /or fine. ~~of three days.~~**

ADOPTED by DHRC, motion made by Mark Davis, seconded by John Hensley. Motion passed with unanimous voice vote.

(k) Kicking shall be defined as a blow or thrust with the foot against any part of the horse's body or to impel by striking with the foot at any time on the racetrack, including before, during or after the race. *Definition Section.*

ADOPTED by DHRC, motion made by Mark Davis, seconded by John Hensley. Motion passed with unanimous voice vote.

(o) Turn the horse abruptly after the finish line of the race in order to return to the paddock or barn area.

ADOPTED by DHRC, motion made by Beth Steele, seconded by George Staats. Motion passed with unanimous voice vote.

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Proposed USTA Rule Changes (1-7): Continued

7. §Rule 18.21 Use of Wheel Discs, Mud Fenders **and Mud Aprons**. - It shall be the responsibility of the owner, trainer or driver to provide every sulky used in a race with solid one-color or colorless wheel discs on the inside and outside of the wheel. In his or her discretion, the presiding judge may order the use of mud guards **properly affixed mud fenders and mud aprons at extended pari-mutuel tracks**. *Safety Issue, DHRC will adopt with Effective Date. If fenders are on , apron must be on as well.*

ADOPTED by DHRC, motion made by Beth Steele, seconded by Jim Boese. Motion passed with unanimous voice vote.

After discussion was heard, Chairman Steele made a motion to approve the proposed USTA rule changes (1-7) as written. Motion was carried by Commissioner Staats and seconded by Vice Chairman Wagner. Motion passed with unanimous voice vote. Mark Davis & Andrew Kerber will review the proposed changes and reflect them throughout the DHRC Rule Book as needed. Changes will be posted in the October Registrar of Regulations.

Reports: Executive Director, Racing Officials, Veterinarian:

Executive Director: Activity Summary Report- June

Mark Davis reviewed the Activity Summary Report's provided to the Commission. Report covers the time period of June 1 through June 30, 2019.

Racing statistics:

Total # of Live Racing Days = 12

Total # Live Races = 155

Average # Races per Day = 13

Total # of Starters = 1,215

Delaware Owned/Trained purse retention: Average = 89.3%

*Delaware Owned now includes horses that are full/partially owned or trained by Delaware residents.

License statistics:

Total # licenses issued =51

Total Monthly = \$4,900.00/YTD Total = \$54,010.00

(Total Monthly figures include Licenses, Fingerprints, Appeals and Fines)

Personnel Activities:

N/A

Meetings/Events attended by Mark Davis:

Rules Meeting 6-4-19

Commission Meeting 6-11-19

Last Day of Racing at Harrington (Summer Break) 6-26-19

Racing Official Report - Presiding Judge:

Reported by: Brian Manges

Total # of Rulings: 11

Total fine amount: \$1,150.00

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Reports: Executive Director, Racing Officials, Veterinarian: Continued

Racing Official Report - Chief Investigator:

Reported by: Lauren Torres
Total # Human Drug Tests = 8
Positive result: None
Total # Breathalyzer tests = 541 average 45/day, Positive result – None
Total # Truck & Trailer Searches completed = 21
Fingerprints processed= 10

Racing Official Report - Veterinarian:

Reported by: Mark Davis
Total # of starters = 1,215
Post- Race Testing:
162 Blood samples were collected.
130 Urine samples
32 incomplete collections (no urine)
Catch Rate = 80.1%, average time per catch was 34.5 minutes
Cobalt Analysis: 24 Pre Race samples collected
Judge's Special Tests: 1
Horse Euthanized On/Off Track: None
Accident On/Off Track: None

Executive Director: Activity Summary Report - July

Mark Davis reviewed the Activity Summary Report's provided to the Commission. Report covers the time period of July 1 through July 31, 2019.

Racing statistics:

Total # of Live Racing Days = 1
Total # Live Races = 10
Average # Races per Day = 1
Total # of Starters = 80
Delaware Owned/Trained purse retention: Average = 88.5%
*Delaware Owned now includes horses that are full/partially owned or trained by Delaware residents.

License statistics:

Total # licenses issued =19
Total Monthly = \$1,690.00/YTD Total = \$55,700.00
(Total Monthly figures include Licenses, Fingerprints, Appeals and Fines)

Personnel Activities:

N/A

Meetings/Events attended by Mark Davis:

Governor's Day 7-25-19

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Reports: Executive Director, Racing Officials, Veterinarian: continued

Racing Official Report - Presiding Judge:

Reported by: Brian Manges
Total # of Rulings: 0
Total fine amount: \$0.00

Racing Official Report - Chief Investigator:

Reported by: Lauren Torres
Total # Human Drug Tests = 0
Positive result: None
Total # Breathalyzer tests = 46 average 46/day, Positive result – None
Total # Truck & Trailer Searches completed = 0
Fingerprints processed= 0

Racing Official Report - Veterinarian:

Reported by: Mark Davis
Total # of starters = 80
Post- Race Testing:
10 Blood samples were collected.
8 Urine samples
2 incomplete collections (no urine)
Catch Rate = 80.0%, average time per catch was 35.5 minutes
Cobalt Analysis: 0 Pre Race samples collected
Judge's Special Tests: 0
Horse Euthanized On/Off Track: None
Accident On/Off Track: None

OUT OF COMPETITION TESTING:

NONE

FREEDOM OF INFORMATION ACT REQUESTS:

NONE

PUBLIC COMMENT:

Sal DiMario is concerned that the tracks have not located an outrider and there does not seem to be any progress. The contract between the Track and Horsemen states that the track needs to provide an outrider for the meet. Karen Craft noted that Sarah Knight worked as an outrider on Governor's Day but the feedback on her performance was not positive. Horseman felt that she was inexperienced and were concerned about the ability of the horse. Harrington is in conversation with Will Reynolds to have him possibly come back, they are working out a few issues and will keep everyone updated. Chairperson Steele asked if Will would consider training Sarah as a backup. Unfortunately Sarah does not think she requires training or help and is not willing to change horses.

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CLOSE OF PUBLIC MEETING:

With no further public business to discuss, Chairman Steele made a motion to adjourn the public session. Motion was carried by Commissioner Liguori and seconded by Commissioner Berberian. Meeting was adjourned at 11:45 a.m.

Next Regular Commission Meeting is scheduled for Tuesday, September 10, 2019 at 10:00 AM

Next Rules Committee Meeting scheduled for Tuesday, September 3, 2019 at 10:00AM

Next DSBF SPECIAL BOARD MEETING is scheduled for Wednesday, September 25, 2019 at 1:00pm